

PTO/SB/50 (04-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:**Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.

FEB 13 2006

Please type a plus sign (+) inside this box ☐Approved for use through 8/30/05, OMB 0851-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL <i>Note: Effective December 8, 2004. Patent fees are subject to annual revision.</i>	Complete if Known		
	Application Number	09/801,340	
	Filing Date	March 7, 2001	
	First Named Inventor	Don M. Simpson et al.	
	Group Art Unit	2181	
	Examiner Name	Nguyen, Cam Linh T	
TOTAL AMOUNT OF PAYMENT		\$790	
		Attorney Docket Number	STL920000077

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																													
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <u>09-0460</u> Deposit Account Name: <u>IBM CORPORATION</u> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance 2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2180</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive -unavoidably</td><td></td></tr> <tr><td>1453</td><td>1500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>14000</td><td>2501</td><td>700</td><td>Utility issue fee</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1100</td><td>2503</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>1484</td><td>130</td><td>1484</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for continued examination (RCE) (37 CFR 1.114)</td><td>790</td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2520	1812	2520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action		1251	120	2251	60	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1020	2253	510	Extension for reply within third month		1254	1530	2254	765	Extension for reply within fourth month		1255	2180	2255	1080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1000	2403	500	Request for oral hearing		1451	1510	1451	1510	Petition to institute a public use proceeding		1452	500	2452	250	Petition to revive -unavoidably		1453	1500	2453	750	Petition to revive - unintentional		1501	14000	2501	700	Utility issue fee		1502	800	2502	400	Design issue fee		1503	1100	2503	550	Plant issue fee		1484	130	1484	130	Petitions to the Commissioner		1807	50	1807	50	Petitions related to provisional applications		1808	180	1808	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1801	790	2801	395	Request for continued examination (RCE) (37 CFR 1.114)	790	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																												
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																											
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																											
1053	130	1053	130	Non-English specification																																																																																																																																																																											
1812	2520	1812	2520	For filing a request for reexamination																																																																																																																																																																											
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																											
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																																											
1251	120	2251	60	Extension for reply within first month																																																																																																																																																																											
1252	450	2252	225	Extension for reply within second month																																																																																																																																																																											
1253	1020	2253	510	Extension for reply within third month																																																																																																																																																																											
1254	1530	2254	765	Extension for reply within fourth month																																																																																																																																																																											
1255	2180	2255	1080	Extension for reply within fifth month																																																																																																																																																																											
1401	500	2401	250	Notice of Appeal																																																																																																																																																																											
1402	500	2402	250	Filing a brief in support of an appeal																																																																																																																																																																											
1403	1000	2403	500	Request for oral hearing																																																																																																																																																																											
1451	1510	1451	1510	Petition to institute a public use proceeding																																																																																																																																																																											
1452	500	2452	250	Petition to revive -unavoidably																																																																																																																																																																											
1453	1500	2453	750	Petition to revive - unintentional																																																																																																																																																																											
1501	14000	2501	700	Utility issue fee																																																																																																																																																																											
1502	800	2502	400	Design issue fee																																																																																																																																																																											
1503	1100	2503	550	Plant issue fee																																																																																																																																																																											
1484	130	1484	130	Petitions to the Commissioner																																																																																																																																																																											
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																																											
1808	180	1808	180	Submission of Information Disclosure Stmt																																																																																																																																																																											
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																											
1801	790	2801	395	Request for continued examination (RCE) (37 CFR 1.114)	790																																																																																																																																																																										
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																											
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																											
1. FILING FEE <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1011</td><td>300</td><td>2011</td><td>150</td><td>Utility filing fee</td><td></td></tr> <tr><td>1111</td><td>500</td><td>2111</td><td>250</td><td>Utility search fee</td><td></td></tr> <tr><td>1311</td><td>200</td><td>2311</td><td>100</td><td>Utility examination fee</td><td></td></tr> <tr><td>1084</td><td>250</td><td>2004</td><td>125</td><td>Utility size fee for each additional 50 over 100</td><td></td></tr> <tr><td>1005</td><td>200</td><td>2005</td><td>100</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1)</td><td>0</td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1011	300	2011	150	Utility filing fee		1111	500	2111	250	Utility search fee		1311	200	2311	100	Utility examination fee		1084	250	2004	125	Utility size fee for each additional 50 over 100		1005	200	2005	100	Provisional filing fee		SUBTOTAL (1)					0	2. CLAIMS <table border="1"> <thead> <tr> <th colspan="2"></th> <th>Extra</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>-20 =</td> <td>0</td> <td>50</td> <td></td> </tr> <tr> <td>Ind. Claims</td> <td>-3 =</td> <td>0</td> <td>200</td> <td></td> </tr> <tr> <td>Multiple Dep. Claims</td> <td></td> <td>0</td> <td>360</td> <td>0</td> </tr> </tbody> </table>				Extra	Fee from below	Fee Paid	Total Claims	-20 =	0	50		Ind. Claims	-3 =	0	200		Multiple Dep. Claims		0	360	0																																																																																																										
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																												
1011	300	2011	150	Utility filing fee																																																																																																																																																																											
1111	500	2111	250	Utility search fee																																																																																																																																																																											
1311	200	2311	100	Utility examination fee																																																																																																																																																																											
1084	250	2004	125	Utility size fee for each additional 50 over 100																																																																																																																																																																											
1005	200	2005	100	Provisional filing fee																																																																																																																																																																											
SUBTOTAL (1)					0																																																																																																																																																																										
		Extra	Fee from below	Fee Paid																																																																																																																																																																											
Total Claims	-20 =	0	50																																																																																																																																																																												
Ind. Claims	-3 =	0	200																																																																																																																																																																												
Multiple Dep. Claims		0	360	0																																																																																																																																																																											
<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>50</td><td>2202</td><td>25</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>200</td><td>2201</td><td>100</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>360</td><td>2203</td><td>180</td><td>Multiple dependent claim</td><td></td></tr> <tr><td>1204</td><td>200</td><td>2204</td><td>100</td><td>Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>50</td><td>2205</td><td>25</td><td>Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2)</td><td>0</td></tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	50	2202	25	Claims in excess of 20		1201	200	2201	100	Independent claims in excess of 3		1203	360	2203	180	Multiple dependent claim		1204	200	2204	100	Reissue independent claims over original patent		1205	50	2205	25	Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					0	Other fee (specify) _____ *Reduced by Basic Filing Fee SUBTOTAL (3) \$790																																																																																																																															
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																												
1202	50	2202	25	Claims in excess of 20																																																																																																																																																																											
1201	200	2201	100	Independent claims in excess of 3																																																																																																																																																																											
1203	360	2203	180	Multiple dependent claim																																																																																																																																																																											
1204	200	2204	100	Reissue independent claims over original patent																																																																																																																																																																											
1205	50	2205	25	Reissue claims in excess of 20 and over original patent																																																																																																																																																																											
SUBTOTAL (2)					0																																																																																																																																																																										

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	David J. McKenzie			Reg. Number	46,919
Signature	<i>David J. McKenzie</i>			Deposit Account User ID	
	Date	Feb 13, 2006			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231